IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 14780 of 2004

Between:

1 B.A.S. Sarma S/o B. Suyanarayana
R/o 8-3-231/B/3, Sri Krishna Nagar, Yousufguda, Hyderabad
2 M.D. Chowdary S/o M. Venkata Subbaiah
R/o 8-3-231/A/3, Sri Krishna Nagar, Yousufguda, Hyderabad
3 B. Haranadha Babu S/o late B. Sree Rama Murthy,
R/o 8-3-231/B/3, Sri Krishna Nagar, Yousufguda, Hyderabad
4 T. Krishna Murthy S/o T. Kesava Rao
R/o 8-3-231/B/3, Sri Krishna Nagar, Yousufguda, Hyderabad
5 P. Dayakar S/o P. Suryakantham
R/o 8-3-231/1/2/17, Sri Krishna Nagar, Yousufguda, Hyderabad

..... PETITIONER(S)

AND

1 The Government of A.P., rep by Principal Secretary, Municipal Administration & Urban Development Department, Secretariat Buildings, Hyderabad
2 The Inspector General of Registration & Stamps, Government of Andhra Pradesh, Hyderabad
3 The District Registrar of Assurances, Registration & Stamps Department, Nizamshahi Road, Hyderabad
4 The Sub Registrar, Registration & Stamps Department, Banjara Hills, Hyderabad
5 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or direction more particularly one in the nature of Mandamus, to declare the impugned order dt 17-7-2004 passed in procs. No. 298/2004 issued by

the 4th respondent herein to incorporate the names of the petitioners in the relevant revenue records and to issue the Encumbrance Certificate in favour of the petitioners.

Counsel for the Petitioner:MR.A.VENKATA RAMAIAH

Counsel for the Respondents: GP FOR REGISTRATION & STAMPS

The Court at the stage of admission made the following ORDER:

The case of the petitioners is that they were allotted 121 Sq.Mtrs each situated in Sri Krishna Nagar, Yousufguda Hyderabad and they made a representation dated

22-06-2004 to the fourth respondent-Sub-Registrar, Banjara Hills, for indexing their names in Index II for the purpose of granting encumbrance certificates for the above said allotted lands. The same was rejected by the fourth respondent through impugned order dated 17-07-2004 stating that as per the standing order No. 927 (a) (b) and (d), only in respect of the registered documents, the names of the Executants and Claimants will be indexed with regard to the documents mentioned therein. Hence, the present writ petition.

The learned counsel for the petitioners drawn the attention of this Court to G.O.Ms.No.455, dated 29-07-2002, wherein, it was stated that “the allotment of excess land made under these orders either on payment of amount or free of cost as the case may be does not require any registration under the Indian Registration Act, 1908 and no Stamp duty shall be payable under the Indian Stamp Act, 1899”.

It was observed in the impugned order that since with regard to the documents mentioned therein, the allotment of excess vacant land does not fall under any of the categories, the representation of the petitioners cannot be considered and rejected. Learned counsel for the petitioners contends that the same is contrary to the aforementioned G.O.Ms.No.455.

I see no force in the said submission. The intimation, which is contemplated, to be given by the Sub-Registrar, Banjara Hills, is only to see that the excess land, which was assigned or allotted to the persons, who are in occupation, will be intimated to the registering authority. So that, further sales can be prohibited under the said allotment. If the petitioners want to mutate their names in the revenue records, proper course for them is to approach the revenue officials as held by this Court in WPMP.No.957 of 2004 in WP.No.732 of 2004, dated 17-02-2004.

The writ petition is accordingly dismissed. No costs.

20th AUGUST, 2004.

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To

1 The Principal Secretary, Government of A.P.,

Municipal Administration & Urban Development Department, Secretariat Buildings, Hyderabad
2 The Inspector General of Registration & Stamps, Government of Andhra Pradesh, Hyderabad
3 The District Registrar of Assurances, Registration & Stamps Department, Nizamshahi Road, Hyderabad
4 The Sub Registrar, Registration & Stamps Department, Banjara Hills, Hyderabad
5 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad District

6 Two CCs to the Government Pleader for Registration & Stamps, A.P.High Court Buildings, Hyderabad.

7 Two CD copies.